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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,028	08/06/2001	Robert Leonard Zwick	3599/11353	8376

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DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

EXAMINER

BALI, VIKKRAM

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,028

Applicant(s)

ZWICK ET AL.

Examiner

Vikkram Bali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8-12, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Yokajty et al (US 5955740).

With respect to claim 1, Yokajty discloses the method of inspecting the workpieces, wherein positioning the camera, placing a first sample on a second side of the platen capturing the image and outputting information relating to dimensional characteristics of the sample, (see figure 1, 14 workpieces, 24 camera, 25 field of view, 12 platen, and col. 4, lines 54-63) as claimed.

With respect to claim 2 and 3 he further discloses a computer figure 1 numerical 26, where the image is analyze to get the correct dimension of the workpiece per the light image as observed (see col. 4, lines 53-65) as claimed.

With respect to claims 8 and 9, he further discloses the data base to store the product definition and the data is the dimensional characteristics of the sample, (figure 1, 26 is the computer which has the memory to store and comparison col., 3, lines 39-42, and

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the data is the parametric outline i.e. the dimensional characteristics col. 4, lines 55-57) as claimed.

With respect to claims 10-12, he further discloses location of the sample is relative to the platen, orientation of the sample, associated to the product definition, (see col. 4, line 55 through col. 5 line 8) as claimed.

With respect to claims 16 and 17, he further discloses, a depiction on a display of the rotation of the sample, (see figure 1 26 computer, and col. 4, line 55 through col. 5 line 8 for obtaining the orientation of the sample and as computer is defined there is a display system that displays all the information) as claimed.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 4-7, 13-15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokajty et al (US 5955740) in view of Lemelson (US 5119190).

With respect to claim 4 Yokajty discloses the invention substantially as disclose and as described above in clam 3. However, Yokajty fails to disclose placing a second sample different from the first sample, capturing the image, and outputting information relating the second sample, as claimed. Lemelson discloses placing a second sample different from the first sample, capturing the image, and outputting information relating the second sample, (see col. 4, lines 29-32) as claimed. Two references are combinable as they are analogous because they are solving the similar problem of inspection of the work pieces. It would have obvious to one ordinary skilled in the art at the time of invention to simply use the teaching of the Lemelson of inspecting different samples using the same system that provides an automatic image field scanning apparatus which is capable of determining various characteristics of the sample (see col. 1, lines 62-66 of Lemelson) for motivation.

With respect to claim 5, Yokajty further discloses, the camera does take images of the sample from a distance "prescribe distance" (see figure 1 camera 24) as claimed.

With respect to claims 6 and 7, Lemelson further teaches, repositioning the camera automatically, (see col. 66, lines 4-5 and col. 66, lines 12-14) as claimed.

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With respect to claims 13 and 14, Lemelson further teaches one or more indicators for the purpose of position and indicators are positioned by the motor, (see col. 53, lines 35-43) as claimed.

With respect to claim 15, it is well known in the art to use laser or mechanical pointers for the purpose of indicators. Therefore, it would have been obvious to one ordinary skilled in the art at the time of inventions to consider either mechanical pointers or the laser pointers for the purpose of indicating the position of a sample during the inspection process as this is conventionally done and well known in the art.

With respect to claim 18, Lemelson further teaches the monitoring the changes in the samples (see col. 2, lines 37-44). Furthermore, With respect to claim 18 and 19, it is well known in the to have the results of the inspection to be graphed with the standards. Therefore, it would have been obvious to one ordinary skilled in the art at the time of invention to have the output information of the dimensional information of the samples to be plotted with the standards, as it is well known in the art.

With respect to claim 20, it is well known in the art to use a outputting means such as a printer in order to get the out put of a inspection system, also the printer be connected to the system via a network. Therefore, it would have been obvious to one ordinary skilled in the art at the time of inventions to connect a printer [outputting means] to output the information which [means] is connected to the system via a network as it is well known and conventionally done in the art.

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Claims 21-36 are rejected for the same reasons as set forth in the rejections for claims 1-20, because claims 21-36 are claiming a computer system to perform the steps of the method as claimed in claims 1-20.

Claims 37 is rejected for the same reasons as set forth in the rejection of claims 1-3, and 8, because claim 37 is claiming subject matter as claimed in claims 1-3 and 18.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vikkram Bali whose telephone number is 703.305.4510. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703.308.6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vikkram Bali
Primary Examiner
Art Unit 2623



vb
July 27, 2004